

CAMPBELL CAMPBELL EDWARDS & CONROY  
PROFESSIONAL CORPORATION



ONE CONSTITUTION PLAZA  
THIRD FLOOR  
BOSTON, MA 02129  
TEL: (617) 241 3000  
FAX: (617) 241 5115

FILED  
IN CLERK'S OFFICE  
CHRISTOPHER A. CALLANAN  
(617) 241-3057  
APR 11 P 3:29  
APR 8, 2005  
U.S. DISTRICT COURT  
OF MASS.

Civil Clerk's Office  
United States District Court  
1 Courthouse Way  
Boston, MA 02210

**Re: Ruth Schwartz v. Marriott International, Inc.**  
**Civil Action No.: 05-CV-104333 RWZ**

Dear Sir or Madam:

Enclosed please find a certified copy of the Superior Court file in the above referenced matter.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to be "C. Callanan", written over a horizontal line.

Christopher A. Callanan

CAC:dc

Enclosures

cc: David B. Stein, Esq.  
James M. Campbell, Esq.

**Commonwealth of Massachusetts**

**County of Middlesex**

**The Superior Court**

FILED  
IN CLERK'S OFFICE

2005 APR 11 P 3:29

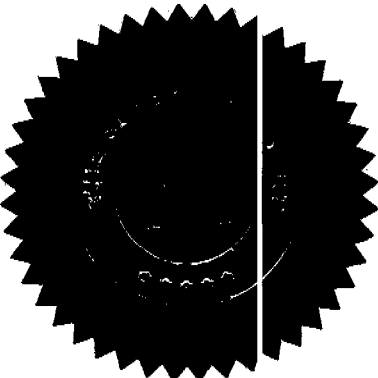
U.S. DISTRICT COURT  
DISTRICT OF MASS.

I, Brian Burke, Assistant Clerk of the Superior Court of the Commonwealth of Massachusetts within and for said County of Middlesex, do certify that the papers hereto annexed are true pleadings in case No. MICV2005-00190 entered in the Superior Court on 01/19/2005.

IN TESTIMONY WHEREOF, I hereunto set my hand and  
affix the seal of said Superior Court at said Lowell  
this 22nd day of March, in the year of our Lord 2005

*Brian Burke*

Assistant Clerk of the Courts



ginger

## MIDDLESEX SUPERIOR COURT

## Case Summary

## Civil Docket

04:05 PM

MICV2005-00190

## Schwartz v Marriott International Inc.

File Date	01/19/2005	Status	Disposed: transfered to other court (dtrans)
Status Date	03/22/2005	Session	L2 - Cv time-stan 2 (Lowell)
Origin	1	Case Type	B04 - Other negligence/pers injury/pro
Lead Case		Track	F

Service	04/19/2005	Answer	06/18/2005	Rule 12/19/20	06/18/2005
Rule 15	06/18/2005	Discovery	11/15/2005	Rule 56	12/15/2005
Final PTC	01/14/2006	Disposition	03/15/2006	Jury Trial	Yes

## PARTIES

## Plaintiff

Ruth Schwartz  
31 Devonshire Road  
Active 01/19/2005

## Private Counsel 556456

David B Stein  
Rubin Weisman Colasanti Kajko Stein LLP  
430 Bedford Street  
Lexington, MA 02420  
Phone: 781-860-9500  
Fax: 781-863-0046  
Active 01/19/2005 Notify

## Defendant

Marriott International Inc.  
One Marriott Drive  
Served: 02/02/2005  
Served (answr pending) 02/02/2005

## Private Counsel 541882

James M Campbell  
Campbell Campbell Edwards & Conroy  
1 Constitution Plaza  
3rd Floor  
Boston, MA 02129  
Phone: 617-241-3000  
Fax: 617-241-5115  
Active 03/22/2005 Notify

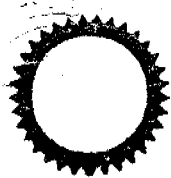
## ENTRIES

Date	Paper	Text
01/19/2005	1.0	Complaint & civil action cover sheet filed
01/19/2005		Origin 1, Type B04, Track F.
02/02/2005	2.0	Affidavit of compliance with long-arm statute with proof of service on out of state defendant Marriott International Inc. on 01/25/05 (return receipt attached thereto)
03/22/2005	3.0	Notice for Removal to the United States District Court filed by Marriott International Inc.
03/22/2005	4.0	Copy of Petition for Removal to the United States District Court filed by Marriott International Inc.
03/22/2005		Case REMOVED this date to US District Court of Massachusetts

MIDDLESEX, ss.

Commonwealth of Massachusetts

## EVENTS



SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

in testimony that the foregoing is a true copy of the  
and of record made by photographic process. I have  
set my hand and affix the seal of said Superior Court  
this 22nd day of March, 2005

Deputy

Assistant Clerk

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: <u>MIDDLESEX</u>	Docket Number <b>05-0190</b>
PLAINTIFF(S) <u>RUTH SCHWARTZ</u>		DEFENDANT(S) <u>MARRIOTT INTERNATIONAL, INC.</u>
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <u>David B. Stein, c/o Rubin, Weisman, Colasanti, Kajko &amp; Stein</u> <u>430 Bedford Street, Lexington, MA 02420</u> Board of Bar Overseers number: <u>556456 (781) 860-9500</u>		ATTORNEY (if known)
Origin code and track designation		
Place an x in one box only: <input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F) <input type="checkbox"/> 3. F03 Re-transfer to Sup.Ct. C.231, s.102C (X) <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)		
CODE NO.	TYPE OF ACTION (specify)	TRACK
<u>E20</u>	<u>PI - Slip &amp; Fall</u>	<u>(F)</u>
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side) IS THIS A JURY CASE?		
( <u>X</u> ) Yes ( ) No		
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (Attach additional sheets as necessary)		
A. Documented medical expenses to date: 1. Total hospital expenses ..... 2. Total Doctor expenses ..... 3. Total chiropractic expenses ..... 4. Total physical therapy expenses ..... 5. Total other expenses (describe) ..... <u>Splint</u> .....		<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>FILED</b>          IN THE OFFICE OF THE          CLERK OF THE COURTS          FOR THE COUNTY OF MIDDLESEX  <b>JAN 19, 2005</b>  <i>Edward J. Sullivan</i>          CLERK       </div>
B. Documented lost wages and compensation to date ..... C. Documented property damages to date ..... D. Reasonably anticipated future medical and hospital expenses ..... E. Reasonably anticipated lost wages ..... F. Other documented items of damages (describe) .....		\$ 10,703.80 \$ 9,155.00 \$ ..... \$ 1,820.00 \$ 60.00 Subtotal \$ 21,738.80 \$ 6,000.00 \$ 15,000.00 \$ ..... \$ 21,000.00
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)  <u>Fractured wrist requiring surgery and torn ligament in arm.</u>		\$ ..... <b>TOTAL: \$ 42,738.00</b>
CONTRACT CLAIMS (Attach additional sheets as necessary)		
Provide a detailed description of claim(s):		
		TOTAL \$ .....
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT		
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods." Signature of Attorney of Record <u>[Signature]</u> DATE: <u>1/18/05</u>		

Commonwealth of Massachusetts

County of Middlesex

The Superior Court

CIVIL DOCKET# MICV2005-00190-L2

RE: Schwartz v Marriott International Inc.

TO: David B Stein, Esquire  
Rubin Weisman Colasanti Kajko Stein LLP  
430 Bedford Street  
Lexington, MA 02420

**TRACKING ORDER - F TRACK**

You are hereby notified that this case is on the **fast (F) track** as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION**

**DEADLINE**

Service of process made and return filed with the Court	04/19/2005
Response to the complaint filed (also see MRCP 12)	06/18/2005
All motions under MRCP 12, 19, and 20 filed	06/18/2005
All motions under MRCP 15 filed	06/18/2005
All discovery requests and depositions completed	11/15/2005
All motions under MRCP 56 served and heard	12/15/2005
Final pre-trial conference held and firm trial date set	01/14/2006
Case disposed	03/15/2006

The final pre-trial deadline is **not the scheduled date of the conference**. You will be notified of that date at a later time.

**Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.**

This case is assigned to session **L2** sitting in **Cv CrtRm 2 (Lowell)** at **Middlesex Superior Court**.

Dated: 01/20/2005

Edward J. Sullivan  
Clerk of the Courts

BY: Brian Burke  
Assistant Clerk

Location: Cv CrtRm 2 (Lowell)  
Telephone: 978-453-0201 EXT 231

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

Check website as to status of case: <http://ma-trialcourts.org/tcic>

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT  
CIVIL ACTION NO.

05-0190

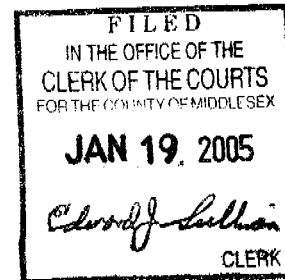
RUTH SCHWARTZ,

Plaintiff

VS.

MARRIOTT INTERNATIONAL INC.,

Defendant



COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiff, Ruth Schwartz, is an individual with a residential address of 31 Devonshire Road, Tewksbury, Middlesex County, Massachusetts.
2. Defendant, Marriott International, Inc. has a principle place of business at One Marriott Drive, Washington, D.C.
3. At all times pertinent hereto, Defendant owns and operates the Town Place Suites by Marriott located at 20 International Place, Tewksbury, Massachusetts.
4. As a result of a fire at Plaintiff's home, Plaintiff has resided at Defendant's hotel since on or about December, 2003.
5. On or about November 13, 2004, Plaintiff slipped and fell on an unnatural accumulation of ice located in the parking area adjacent to the side entrance of Defendant's hotel.
6. For several hours prior to Plaintiff's accident, Defendant was aware of the very dangerous condition that existed with respect to the ice on its premises.
7. Despite Defendant's knowledge of said dangerous condition, Defendant negligently failed and/or refused to remedy said condition and make it safe for its guests, including the Plaintiff.

3821E000001/19/05CIVIL	240.00
3821E000001/19/05SUR CHARGE	15.00
3821E000001/19/05SUMMONS	10.00
3821E000001/19/05FEC	20.00

COUNT I

8. As a direct and proximate result of the negligence of the Defendant, Plaintiff, Ruth Schwartz, was caused to sustain severe and permanent personal injuries, to incur in the past and into the future medical expenses, and to lose in the

future, her earning capacity, and to suffer great pain of body and mind both in the past and in the future.

**WHEREFORE**, Plaintiff demands judgment in her favor against the Defendant, in an amount to be determined by the jury, plus costs and interest.

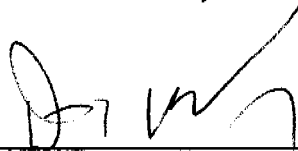
**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury.

Dated: January 13, 2005

**RUTH SCHWARTZ,**  
By Her Attorneys,

**RUBIN, WEISMAN, COLASANTI,  
KAJKO & STEIN, LLP**

A handwritten signature in black ink, appearing to read 'David B. Stein', is written over a horizontal line.

David B. Stein, BBO# 556456  
430 Bedford Street  
Lexington, MA 02420  
Tel.: (781) 860-9500  
Fax: (781) 863-0046

2

**COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, SS

SUPERIOR COURT  
CIVIL ACTION NO. 05-0190

L2

RUTH SCHWARTZ,  
Plaintiff

VS.

MARRIOTT INTERNATIONAL, INC.,  
Defendant

**AFFIDAVIT OF SERVICE**

I, David B. Stein, on oath, depose and state the following:

1. I am the attorney of record for the Plaintiff, Ruth Schwartz.
2. The Complaint in this action was filed on or about January 18, 2005.
3. On January 25, 2005, I sent by certified mail return receipt requested, copies of the Summons, Complaint and Demand for Jury Trial, Civil Action Cover Sheet and Tracking Order to the Defendant, Marriott International, Inc.
4. I have attached hereto the original signed return receipt evidencing service of the above documents upon the Defendant.

Signed under the pains and penalties of perjury this 31<sup>st</sup> day of January, 2005.

  
\_\_\_\_\_  
David B. Stein, BBO#: 556456  
RUBIN, WEISMAN, COLASANTI,  
KAJKO & STEIN, LLP  
430 Bedford Street  
Lexington, MA 02420  
Tel: (617) 860-9500  
Fax: (617) 863-0046

RECEIVED  
JAN 31 2005  
FBI - BOSTON



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARRIOTT INTERNATIONAL,  
INC.  
ONE MARRIOTT DRIVE  
WASHINGTON, DC 20058

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☒ X☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Registered☐ Insured Mail☐ Express Mail☒ Return Receipt for Merchandise☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7002 2410 0000 9442 1938

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15

COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT DEPARTMENT

MIDDLESEX, ss.

RUTH SCHWARTZ  
Plaintiff,

v.

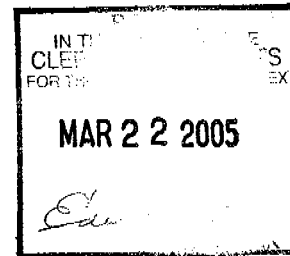
MARRIOTT INTERNATIONAL INC.  
Defendant.

3  
CIVIL ACTION NO. MICV2005-00190

NOTICE OF REMOVAL

TO: David B. Stein, Esq.  
Rubin, Weisman, Colasanti, Kajko & Stein, LLP  
430 Bedford Street  
Lexington, MA 02420

Office of the Civil Clerk  
Middlesex Superior Court  
360 Gorham Street  
Lowell, MA 01852



Please take notice that the defendant, Marriott International, Inc., a non-Massachusetts corporation with its principal place of business in Maryland, has on the 8<sup>th</sup> day of March, 2005, filed a Notice of Removal pursuant to 28 U.S.C. sec. 1441 et seq., containing a statement of facts which entitle it to remove the case to the United States District Court, District of Massachusetts.

The case is currently pending in the United States District Court, District of

Massachusetts at Boston with a Docket Number 05-CV-104333 RWZ (a certified copy of which is attached hereto as Exhibit 1).

MARRIOTT INTERNATIONAL, INC.

By Its Attorneys,

CAMPBELL CAMPBELL EDWARDS & CONROY  
PROFESSIONAL CORPORATION



James M. Campbell, BBO # 541882  
Christopher A. Callanan, BBO # 630649  
One Constitution Plaza  
Boston, MA 02129  
617-241-3000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following attorney of record by mail on March 8, 2005.

David B. Stein, Esq.  
Rubin, Weisman, Colasanti, Kajko & Stein, LLP  
430 Bedford Street  
Lexington, MA 02420



Christopher A. Callanan

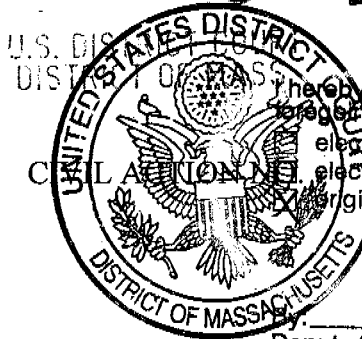
FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

4 2005 MAR -8 05 CV 10433 RWZ

RUTH SCHWARTZ  
Plaintiff,

v.

MARRIOTT INTERNATIONAL INC.  
Defendant.



I hereby certify on 3/8/05 that the foregoing document is true and correct copy of electronic docket in the captioned case electronically filed original filed on 3/8/05 original filed in my office on 3/8/05  
Sarah A. Thornton  
Clerk, U.S. District Court  
District of Massachusetts  
Deputy Clerk

**NOTICE OF REMOVAL**

TO: THE CHIEF JUDGE AND JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

NOW COMES Marriot International, Inc., ("Marriott") and files this Notice of Removal of the above-captioned action from Middlesex Superior Court, Middlesex County, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts. In support of its Notice of Removal, Marriott states as follows:

1. As appears from Docket No. MICV2005-00190 on file in Middlesex Superior Court, the plaintiff filed her complaint on January 19, 2005. On February 7, 2005, Marriott was served with a Summons and Complaint. A copy of the Summons and Complaint is attached to this Notice as Exhibit "A".
2. According to the Complaint, this is a negligence action which alleges personal injuries resulting from a slip and fall on Marriott property in Tewksbury, Massachusetts. As a result of Marriott's alleged negligence, the plaintiff claims that she sustained severe and permanent injuries, has incurred and expects to continue to incur medical expenses and lost wages, and has suffered and expects to continue to suffer great pain of body and mind.
3. The plaintiff is a resident of Tewksbury, Massachusetts.